

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
City Hall Training Room**

Monday, November 12, 2018

**Attending:**

Council Member John Mickelson  
Council Member Renee Hardman  
City Manager Tom Hadden  
City Attorney Richard Scieszinski  
Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Fire Marshall Mike Whitsell

Principal Engineer Ben McAlister  
Planner Brian Portz  
Planner Kara Tragesser  
Planner Brad Munford  
Associate Planner Alex Carl  
Associate Planner Mackenzie Locey

Guests:

Item #1 – Jim Warner, Warners' Stellan  
Robert Warner, Warners' Stellan  
Riley Hogan, Bike World  
Forrest Ridgway, Bike World  
Ed Arp, Civil Engineering Consultants  
Craig Thompson, Ryan Companies

Item #2 – Justin Jones, Raising Cane's  
Jason Cooper, Raising Cane's

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 am.

**1. Household Appliance Stores in Neighborhood and Support Commercial zoning districts**

Director Twedt explained the two different requests Staff has received regarding Household Appliance stores in zoning districts where the use is not currently allowed. One request is for the former Dahls at S 50<sup>th</sup> and EP True Pkwy which is Neighborhood Commercial zoning. The other location is within the Jordan West Development at Jordan Creek Pkwy and EP True Pkwy and is Support Commercial zoning. With the use not currently allowed in either of the zoning districts, City code would need to be amended. Household appliance stores are allowed in Valley Junction more than likely due to an existing business when zoning districts were designated for the area. There are no household appliance stores currently in the Valley Junction district.

Some of Staff's concerns with the appliance stores in general are:

- More delivery trucks staged at the site
- When selling new appliances, the old appliances are often picked up as a courtesy; there is fear of dead appliances cluttering loading dock/service areas within a site
- Sites are generally a little bit smaller making it harder to screen the loading/service area

Forrest Ridgway, Bike World stated his site is unique because Kum & Go is located on the corner lot. He felt an appliance store would be a great fit because they will not have a lot of customers, thus limiting parking and traffic issues.

Council Member Mickelson agreed that the addition of an appliance store would be good for traffic and parking but asked Mr. Ridgway to comment regarding the concerns raised by Staff.

Mr. Ridgway explained during initial discussions with his proposed tenant he took pictures of their existing site. He noted the site was immaculate and he doesn't want to see dead appliances cluttering the

site either.

Craig Thompson, Ryan Companies explained how they intend to screen the loading area and stated there would be no outdoor storage.

Council Member Renee Hardman asked for clarification on the differences between Support and Neighborhood Commercial.

Ms. Twedt explained Neighborhood Commercial is generally smaller in scale and geared toward providing smaller needs for the surrounding neighborhoods. She provided the example of a Dairy Queen or small C-Store. Support Commercial provides office support which include services for office workers such as a dry-cleaner or physical fitness center. Support Commercial also supports the motoring public and is often placed near interstates. She mentioned Support Commercial is not often used and is being replaced with Highway Commercial and Support Office.

Council Member Mickelson expressed his support for the requests but understood the concern regarding the next applicants who may not keep their site as immaculate.

Ms. Twedt stated enforcement and code compliance becomes the issue, it is not that either one of these potential businesses are the problem, however City Code would be changed globally.

Mr. Thompson inquired about adding the use to their PUD as an allowed use.

Ms. Twedt explained Staff no longer will write uses into a PUD ordinance that are not allowed elsewhere in the City.

Ed Arp, Civil Engineering Consultants spoke on behalf of Jordan West. He mentioned the updating of the Comprehensive Plan which has resulted in changes to the way things are being done. The applicant thought the PUD would be amendable if something reasonable came along that would fit on the site. He mentioned the trend with appliance stores has changed and everything is more internal.

Robert Warner, Warners' Stellian expressed their excitement to do business in West Des Moines and commitment to a well-kept exterior of the store.

Council Member Mickelson wanted to protect the City in the future if issues were to arise.

Council Member Hardman understood the nuances of the situation but was also supportive of the change to City code. She emphasized Code Enforcements role in making sure they address violations when people are out of compliance.

Staff will move forward with an amendment to City code to allow Appliance stores in both Neighborhood and Support Commercial. Ms. Twedt stated it would take 45-60 days to change the ordinance, she pointed out that the applicants for each site can start in the Site Plan process, but noted there is still a risk that the code change request does not pass Council at the public hearing.

*Direction: Council Members were supportive of changing the City ordinance to allow Appliance Stores in Neighborhood and Support Commercial Zoning Districts.*

## **2. Raising Cane's Mural**

Jason Cooper, Raising Cane's Director of Construction for Southern Hospitality, explained their request for a variance for art work at their Raising Cane's location.

Director Twedt explained Staff sees the mural as advertising and not as art. The store is allowed a certain amount of wall signage per square foot of building façade in which to accommodate their signage.

Justin Jones, Raising Cane's President of Southern Hospitality, explained the history of the "art work". When Raising Cane's was founded a mural was discovered in the demolition process and the company hires local artists to hand paint and incorporate the mural on their buildings with the name of the city they are located in displayed.

Council Member Mickelson inquired as to how much sign allowance the applicant has remaining.

Director Twedt responded they are close to being maxed out for signage thus they would have to take away some other signage on their building to accommodate the mural.

Mr. Jones stated their building is difficult to see because of where Charles Schwab sits on the corner and the only signage they can really see is located on the east side of their building.

Ms. Twedt explained to go above the allowed square footage they would need to go to the Board of Adjustment and prove hardship. It would be hard to argue that Charles Schwab is the problem when they were constructed before Raising Cane's was constructed. The Board of Adjustment, in the past has said applicants are allowed so much signage and need to figure out how to work within that allotment.

Mr. Jones mentioned the ampersand located at Kum & Go stores that is their company logo.

Ms. Twedt responded the difference with Kum & Go's ampersand is that they are all custom in that no two of them are to be alike throughout the City and each one is hand-painted by artists with different designs. The mural proposed for Raising Cane's is the same design across the country with the exception of the name of the City changing. She referenced the chicken in front of the Chicken Restaurant or the tooth in front of the dental clinic which are seen as advertising and not art.

Mr. Jones presented an alternate design that would stand off from the wall a couple of inches and has no branding that references Raising Cane's or chicken fingers.

City Staff was more supportive of the alternate design with some minor modifications to reduce the red background area.

Council Member Hardman expressed her support for the alternate design allowing the business to capitalize on their sentimental roots and where they come from.

*Direction: Council Members were supportive of Raising Cane's alternate One Love design and were not supportive of allowing their standard mural on the side of their building*

### **3. Covenant Cove Access Drive**

Director Twedt asked Council Members for feedback on the Covenant Cove access drive before it goes before them and the Plan & Zoning Commission. The phased site plan for the Covenant Cove mobile home park was presented previously for footings and foundations. The full site plan will likely be presented at the Plan & Zoning Commission on Monday November 19, 2018 and City Council the following Monday.

The potential buyer of the mobile home park is desiring that secondary access through the site be implemented as soon as possible due to Fire Code restrictions limiting the addition of any homes in the park until that access is in place. Staff feels the access drive is a private issue and the private parties should work out the access.

When the PUD for Covenant Cove was put in place a 180-day timeline to construct the secondary access was indicated but it was unclear what exactly needed to be accomplished within the 180 days. At the time, it was believed the site plan would quickly follow and construction would have occurred this summer. The site plan has not proceeded through the process as quickly as anticipated. Ms. Twedt stated

after discussions with the City's legal department, if the parties are not able to reach an agreement the City's stance is going to be that with approval of the full site plan the 180 days starts and Covenant Cove would need to have the access drive constructed within that time frame. If Covenant Cove cannot construct for whatever reason, they will need to come before the City Council to discuss an alternative deadline.

*Direction: Council Members were supportive of requesting the secondary access drive being installed within 180 days of full site plan approval.*

#### **4. Upcoming Projects – A map was provided with a brief description of each.**

- a. Elimination of Garage Requirement: Amend zoning code to remove garage requirements for single-family detached and any multi-family attached dwelling intended as owner occupied (AO-004123-2018) Director Twedt explained that it is staff's understanding the intent was to provide a place for residents clutter; however, that has not necessarily been achieved, and the argument now is the garage requirement makes some homes unaffordable. The garage requirement for multi-family was put in place to deter the conversion of apartments to condos. 5-6 years ago the tax rate on a condo or owner-occupied horizontal property regime was cheaper: the tax code has changed and Staff does not see conversions anymore. Council Member Hardman asked would this be an advancement in moving the needle forward on affordable housing. Ms. Twedt responded it will help reduce that cost.
- b. High-density Residential in PCP zoned districts: Amend zoning code to allow free-standing high-density residential buildings (no density maximum) in Professional Commerce Park (PCP) zoning districts (AO-004122-2018)
- c. Sacred Heart Church (1620 Mountain Ave): Board of Adjustment approval of construction of an accessory dwelling (PC-004096-2018)
- d. Willow Creek Villas (NW of Veterans Pkwy & SE 11<sup>th</sup> St): Change land use from Medium-Density Residential to Single-Family Residential and zone property to Single-Family Residential (RS-5) to accommodate 64 single-family lots (CPA-004119-2018 & ZC-004121-2018)
- e. Grand Living at WDM (540 S 51<sup>st</sup> St): Board of Adjustment approval of a 172-unit CCRC use consisting of 35 independent living units, 103 assisted living units and 34 memory care units (PC-004095-2018) Mike Whitsell, Fire Marshall stated fire is working with the applicant regarding the height of the building. Based on Building and Fire Code anything 75 ft. or higher measured from the lowest access is considered a high rise building and changes the construction method which can be costlier. It was noted that the applicant likely cannot reduce the height without getting variances to code requirements for setbacks and possibly open space.
- f. Kings Grove Townhomes (1590 S Kings Grove Ave): Plat property into 30 postage stamp lots for attached townhomes (FP-004109-2018)
- g. 4418 High St: Deferral of installation of sidewalks (MI-004118-2018)
- h. Colby's Office Park (1258 Office Park Rd): Subdivide property into two lots for existing buildings and one outlot for possible future development (PP-004102-2018)
- i. Stark Drive: Vacation as public street (VAC-004108-2018)
- j. Sugar Creek Estates (NW corner of Stagecoach Dr and S 100<sup>th</sup> St): Designate Medium-Density (RM-12) zoning consistent with adopted Comprehensive Plan in anticipation of townhome development (ZC-004124-2018)
- k. Grand Valley (NE corner of S 35<sup>th</sup> St and Grand Ave): Modify PUD boundaries to remove shared detention area from developable parcel (ZC-004127-2018)

#### **5. Minor Modifications & Grading Plans**

- a. Elevate at Jordan Creek (8925 Cascade Ave): Stockpile dirt from development on adjacent lot (GP-004111-2018)
- b. Charlie Cutler Memorial Bike Shelter (E side of Veterans near Maffit Lake Rd): Grading to accommodate a bike shelter along the Great Western Trail (GP-004126-2018)
- c. Sprint Co-locate (125 S 13<sup>th</sup> St): Addition of antenna on existing structure (MM-004116-2018)
- d. Clocktower Square (2800 University Ave): Construction of a trash enclosure (MML1-004094-2018)

- e. Earlham Bank (7300 Lake Dr): Façade modifications (MML1-004097-2018)
- f. New Horizon's Academy (9040 University Ave): Construction of a 10x10' shed (MML1-004112-2018)
- g. 835 Grand Ave: Façade modifications including addition of a gable roof (MML1-004113-2018)
- h. Raccoon River Kennels (7502 Raccoon River Dr): Construction of a 48'x24' shade and storage structure (MML2-004093-2018)
- i. Forterra (525 S 11<sup>th</sup> St): Install 12'x26' trailer to be used as an employee breakroom (MML2-004110-2018)

## **6. Other Matters**

None

The meeting adjourned at 9:02 am. The next regularly scheduled Development and Planning City Council Subcommittee is November 26, 2018.

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Lynne Twedt, Development Services Director

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Juanita Greer, Recording Secretary